

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

WENDELL KEANE
306 FRANKLIN AVE
BROOKLYN, NY 11238

Debtor(s)

Case No. 1-11-41982(BR)

Chapter 7

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U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

APPLICATION IN SUPPORT OF
ORDER TO SHOW CAUSE

To the Hon. ROSENTHAL, Bankruptcy Judge;

I WENDELL KEANE Movant herein, make this application in support of my Order to Show Cause to seek entry of an Order to DETERMINE WHETHER
OR NOT THE AUTOMATIC STAY UNDER 11 USC (24, 727(B))

In support of the relief requested, I hereby allege as follows;

- A) I WAS UNDER THE AUTOMATIC STAY PROTECTION
OF THE BANKRUPTCY COURT
- B) STAY PREVENTED THE SALE OF ANY PROPERTY
OF CREDITOR MENTIONED
- C) SALE OF ANY PROPERTY UNDER STAY MUST BE
REVOKED AS A MATTER OF LAW

WHEREFORE, Movant prays for the entry of an Order to Show Cause granting the relief requested.

Dated: 7/29/11

By: Wendell Keane
(signature of movant)

Type or Print Name: WENDELL KEANE
Address: 306 FRANKLIN AVE
BROOKLYN NY
Telephone Number: 347-870-0023

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

RETURN DATE _____

In re: _____X

Wendell Keane
306 Franklin Ave
Brooklyn NY

Case No. 1-11-41982(bn)
Chapter 7

Debtor(s)

_____X

ORDER TO SHOW CAUSE

Upon the annexed application of Movant, Wendell Keane seeking entry of an Order to REVOKE THE SALE OF ANY PROPERTY SOLD WHILE UNDER PROTECTION OF AUTOMATIC STAY PROTECTION OF COURT, it is

ORDERED that _____ show cause at _____ o'clock __m on the date of _____ or as soon thereafter as Movant may be heard before the Honorable _____, Bankruptcy Judge in Courtroom _____ at United States Bankruptcy Court located at _____, why this Court should not enter an Order to _____.

ORDERED that service of this Order to Show Cause together with the application be served on or before the end of the business day on _____, upon _____, and upon the Trustee at _____ and United States Trustee.

ORDERED that objections, if any, to the relief requested shall be made in writing, shall set forth with particularity, the grounds for such objection and shall be filed with the Clerk of the Court along with an extra copy marked "Chambers Copy", Trustee, United States Trustee, and the Movant on or before _____; and it is further

ORDERED that the hearing scheduled herein may be adjourned by the Court, from time to time, without further notice other than announcement of the adjourned hearing date in open court.

Dated: _____, New York

United States Bankruptcy Judge

Official Form 18(12/01/2007)

United States Bankruptcy Court

Eastern District of New York
271 Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800

IN RE:

CASE NO: 1-11-41982-jbr

Wendell Keane

306 Franklin Avenue
Brooklyn, NY 11238

Name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address.

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 7

xxx-xx-4545

DEBTOR(s)

DISCHARGE OF DEBTOR(S)

It appearing that the debtor(s) is entitled to a discharge,

IT IS ORDERED:

The debtor(s) is granted a discharge under Section 727 of Title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: June 21, 2011

s/ Joel B. Rosenthal
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

I hereby attest and certify on 6/28/11 that this document is
a full, true and correct copy of the original filed on the court's
electronic case filing system.

Clerk, US Bankruptcy Court, EDNY

By [Signature] Deputy Clerk

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
In the Matter of the Non-Judicial Foreclosure by Power of :
Sale, Pursuant RPAPL Article 14, of Premises Parcel 1 :
(Block: 1954 Lot: 6) and Parcel 2 (Block: 1950 Lot: 4)

Index No. 16001/09

NCC FUNDING SP, :

Plaintiff, :

-against-

AUCTIONEER'S
REPORT OF SALE

HUB HOPE CORP. NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE,
AND "JOHN DOE #1" TO "JOHN DOE #10",
inclusive the last thirty names being fictitious and
unknown to plaintiff, the persons or parties intended
being the tenants, occupants, persons, or corporations,
if any, having or claiming an interest in or lien upon
the premises described in the complaint. :

Defendants. :

-----X
STATE OF NEW YORK)

: ss:

COUNTY OF NEW YORK)

WILLIAM MANNION, being duly sworn, deposes and says:

1. I am a licensed auctioneer, and was appointed by the mortgagee, NCC
Funding SP, LLC ("Mortgagee") to make the sale of the mortgaged premises known as Parcel 1
Block: 1954; Lot: 6 and Parcel 2 Block: 1950; Lot: 4, Brooklyn, New York ("Premises"), also
known as 315 and 323 Franklin Avenue, Brooklyn, New York as further described in the Notice
of Sale for Non-Judicial Foreclosure (copy of which is annexed hereto as Exhibit A), pursuant to
a non-judicial foreclosure of the mortgage covering those Premises ("Mortgage"). I respectfully
report as follows.

2. Copies of the affidavits of service of the Notice of Sale for Non-Judicial Foreclosure and Notice of Pendency previously filed by the Mortgagee are annexed hereto as Exhibit B, respectively.

3. I caused a proper Notice of Sale of the Premises (scheduling the sale for January 26, 2011 at 12:00 p.m. at the Kings County Courthouse, 360 Adams Street, Brooklyn, New York 11201) and published according to law, as appears from the affidavits of publication of said Notice of Sale, a copy of which is annexed hereto as Exhibit C.

4. I appeared at the time and place for which the sale was noticed (*i.e.*, 12:00 p.m. on January 26, 2011 at the Kings County Courthouse, 360 Adams Street, Brooklyn, New York), made known the Terms of Sale (a copy of which is annexed hereto as Exhibit D), offered the Premises for sale to the highest bidder, and sold the Premises to Moar Holdings, Inc., ("Moar") as the highest bidder, subject to the terms and conditions set forth in the Terms of Sale.

5. The Premises were sold to Moar for the sum of \$245,000.00. and Moar and I thereupon executed a Memorandum of Sale (a copy of which is annexed hereto as Exhibit E).

6. Payment of \$35,000.00 (more than a ten percent deposit) was made by Moar pursuant to the Terms of Sale.

7. The amounts due to the Mortgagee on the indebtedness secured by the Mortgage include the following sums as stated in the Notice of Sale for Non-Judicial Foreclosure:

- A. \$300,000.00 in principal;
- B. \$103,000.00 in interest;

- C. reasonable attorneys' fees and costs of sale and disbursements in the amount of \$61,693.50;
- D. JP&R Advertising Agency, Inc. cost \$4,134.75;
- E. Auctioneer's Fee in the amount of \$500.

Thus, the total amount due to the Mortgagee under the Mortgage (*i.e.*, the sum of the amounts in paragraph 10 above) is \$464,693.50. After applying the purchase price of \$245,000.00 toward this indebtedness, there remains a deficiency of \$219,693.50, with interest from the date of closing of title on the Premises.


WILLIAM MANNION

Sworn to before me this
9th day of February, 2011


Notary Public

